

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 199 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE and
MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

AARTI INTERMEDIATES PVT LTD

Versus

STATE OF GUJARAT

Appearance:

NANAVATI & NANAVATI for Petitioners
MR MAULIN R RAVAL for Respondent No. 1
MR HARESH J TRIVEDI for Respondent No. 2

CORAM : MR.JUSTICE S.D.DAVE and
MR.JUSTICE A.M.KAPADIA
Date of decision: 19/12/97

ORAL JUDGEMENT

Leave to add GIDC as respondent No.3 in the proceedings.

Rule. Learned counsel Mr. Maulin Raval waives service of the Rule for respondent Nos.1 and 3 while learned

counsel Mr. H.J. Trivedi waives service of the Rule for respondent No.2.

The petitioner before us happens to be a private limited company. The petition has been filed for having the approval to commence the commercial production pursuant to the consent order No. 11861 dated 4.1.1997. The consent is annexed at Annexure A to the petition. There has been a condition that the unit shall have to take the permission from this Court for commercial production. It is, therefore, that the petitioner company is before us asking for such a permission.

Learned counsel Mr. Trivedi places before us a report prepared by the GPCB qua sample collected on 15.11.1997. Mr. Trivedi says that the report shows that the petitioner company meets with the norms (except colour).

There is nothing objectionable in the way of the petitioner company. They have been given the consent but as a condition precedent the orders of this Court were found to be necessary.

In view of this, we allow the petition and grant the prayer contained in paragraph 11 (A) of the petition. The Rule is made absolute accordingly to the said extent with no order as to costs.

The report being presented by the Board be kept on the record.

Learned counsel Mr. Nanavati points out that the petitioner reserves the liberty to approach this Court once again by taking out suitable proceedings for the refund of the amount at the rate of 5% which the petitioner company has already paid. The statement coming from Mr. Nanavati is recorded.